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FISCAL IMPACT STATEMENT

LS 6738

BILL NUMBER: SB 210

NOTE PREPARED: Dec 15, 2004

BILL AMENDED:

SUBJECT: Senior Judges' Compensation.

FIRST AUTHOR: Sen. Bray

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill increases from \$100 to \$200 the maximum amount of per diem a senior judge may receive after serving the first 30 days of service in a year. (The introduced version of this bill was prepared by the Commission on Courts.)

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* Any added costs to state expenditures will depend on how frequently the trial courts and courts of appeal request senior judges and the number of senior judges available and the amount budgeted for the judicial payroll. The state Supreme Court has the statutory power to adjust the per diem rate if the payroll account is insufficient to pay the per diem. Consequently, the expenditures could be minimal. The per diem costs are paid from the budget of the Supreme Court. If the Supreme Court makes no adjustments to senior judge per diem from that provided in the bill, the minimum amount of added expenditures could range between \$142,000 and \$196,000, based on experiences of senior judges between 1999 and 2003.

Background Information: Senior judges are individuals who have formerly served as trial court judges in Indiana. They are certified by the Indiana Judicial Nominating Commission and may be appointed if requested by a trial court to assist in a certain number of cases.

A senior judge is entitled to the following compensation:

- \$50 per day for the first 30 days of service in a calendar year;
- \$100 per day from the 31st day up to a maximum of 100 calendar days. ***This bill would increase this***

amount to \$200 per day.

Senior judges also receive reimbursement for mileage and reasonable expenses incurred in performing service as a senior judge, including but not limited to meals and lodging. Senior judges can serve a maximum of 100 days.

Senior judges are also eligible for health insurance pursuant to the provisions of Administrative Rule 5(B)(8) and as authorized by statute (IC 33-23). When a senior judge serves for 30 days, the judge is considered to be an employee under the state employment statutes and consequently would qualify for benefits.

The Division of State Court Administration reports the following statistics.

Calendar Year	Sr. Judges Available	Requests for Appointment	Days Worked	Per Diem for Sr. Judges	Benefits Paid¹	Total Senior Judge Cost
1999	66	N/A	3,450	N/A	N/A	N/A
2000	71	N/A	3,531	N/A	N/A	N/A
2001	86	N/A	4,406	N/A	N/A	N/A
2002	88	N/A	4,264	\$209,200	\$695,850	\$905,050
2003	103	104	5,030	\$273,625	\$830,244	\$1,103,869
¹ Includes health insurance and travel and lodging.						

[Note: The number of senior judges available represents the pool of available senior judges, but does not necessarily reflect the number of senior judges actually appointed to trial courts to serve or the number of those receiving benefits. For the purposes of this fiscal note, it is assumed that all available senior judges work as senior judges in each calendar year.]

Added Expenditures: Under IC 33-23-3-5, the senior judges' per diem is paid from:

.... funds appropriated to the Supreme Court for judicial payroll. If the payroll fund is insufficient to pay the [per diem payments], the Supreme Court may issue an order adjusting the compensation rate.

If the Supreme Court makes no adjustments in the senior judge per diem, then per diem expenditures for each day paid over 30 days could range between \$142,000 and \$195,700 based on the experiences of senior judges between CY 1999 and 2003. It is assumed that all available senior judges will work the minimum 30 days to qualify for health insurance. If some of these senior judges work fewer than 30 days and some work more than 30 days, then expenditures will be higher since more senior judges' days will be paid at the higher rate.

Illustration of Added Expenditures for Senior Judges Based on Data for 1999 through 2003.					
	1999	2000	2001	2002	2003
Average Days Worked	52	50	51	48	49
Days Worked Over 30 Days	22	20	21	18	19
Added \$100 Per Day Per Judge	\$2,200	\$2,000	\$2,100	\$1,800	\$1,900
Number of Senior Judges	66	71	86	88	103
Added Expenditure	\$145,200	\$142,000	\$180,600	\$158,400	\$195,700

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration, Indiana Courts of Appeal.

Local Agencies Affected: Trial Courts.

Information Sources: Division of State Court Administration, Indiana Supreme Court.

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